

REMARKS

This response is intended as a full and complete response to the final Office Action mailed July 26, 2006. In the Office Action, the Examiner notes that claims 1-5, 11, 13, 14, 18-24 and 31-42 are pending of which claims 1-5, 11, 13, 14, 18-24 and 31-42 are rejected and claim 38 is objected to. Claims 1, 11, 18, 31 and 37 are amended, all other claims continue unamended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious, under the respective provisions of 35 U.S.C. §§102, and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

REJECTIONS

35 U.S.C. §102

Claims 1-5, 11, 13-14, 18-24 and 31-37

The Examiner has rejected claims 1-5, 11, 13-14, 18-24 and 31-37 under 35 U.S.C. §102(e) as being anticipated by Burkhart (US2002/0006116A1, hereinafter "Burkhart"). Applicants respectfully traverse the Examiner's rejection.

Independent claim 1, as amended, recites (independent claims 11, 25, 31 and 37 recite similar relevant limitations):

"In a system providing video on demand (VOD) services via any of a plurality of incompatible VOD systems, a VOD gateway method comprising:

transmitting to each of the plurality of incompatible VOD systems having a plurality of assets a respective compatible request for a list of all currently available VOD assets;

receiving, in response to said request for a list of all currently available VOD assets from each VOD system, a respective list of all currently available VOD assets from each one of the plurality of incompatible VOD systems, wherein said respective list contains more than one asset; and

aggregating the received lists of all currently available VOD assets from each one of the plurality of incompatible VOD systems to form a combined list of available VOD assets, the combined list of available VOD assets being adapted to be compatible with a plurality of receiver stations.”

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” The Sridhar reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Burkhart fails to disclose each and every element of the claimed invention, as arranged in the claim. Specifically, Burkhart discloses a distributed content management and a broadcast system for distributing content within a standard network, such as the Internet or local area network (LAN). Burkhart is directed towards a service enabling content providers to “push” content to a common distribution system (e.g., a LAN-based cache subsystem), rather than a service for VOD users.

It is critical to note that the Burkhart arrangement and the claimed invention differ in several significant ways, such as:

(1) Burkhart does not teach the claimed step of “transmitting to each of the plurality of incompatible VOD systems a request for a respective list of all currently available VOD assets.”

Burkhart provides content distribution to users via a local area network or compatible mechanism. As previously stated, there are no incompatible VOD systems contemplated or otherwise discussed in Burkhart.

Even if the content providers of Burkhart could somehow be construed as respective VOD systems, there is no teaching of Burkhart of the requesting of content as claimed. In contrast, Burkhart teaches that the content submitters choose to participate or not participate in populating or providing content to a common VOD system. Burkhart at paragraph 22 states that “content is admitted to the system according to elections by a content submitter via one of a number of system-operator-constructed content-descriptive meta-data templates describing the nature of content admissible and associated instances of availability on the system.” (Emphasis added.) That is, the content submitter decides which content is provided to the system.

Moreover, the Applicants respectfully submit that a list is not equivalent to submitting a single content. Burkhart clearly teaches that when the content submitter elects to submit an elected content, the content is submitted one at a time by filling out a template form for each content that is elected by the content submitter. (See Burkhart, para. [0022], emphasis added.) Consequently, the Applicants' invention teaches a more efficient method because a list of all currently available assets of each VOD system is sent over a single transmission. Unlike the Applicants' invention, Burkhart is only capable of submitting a single content with each transmission and requires that a completed template form be submitted with each elected content submission. Furthermore, if a content submitter contains more than one asset, Burkhart would require multiple transmissions to the content subsystem.

(2) Burkhart does not teach the claimed step of "receiving, in response to said request for a list of all currently available VOD assets from each VOD system, a respective list of all currently available VOD assets from each one of the plurality of incompatible VOD systems, wherein each respective list is in a different protocol."

Burkhart clearly teaches that content elected by the content submitter is submitted by filling out a template specified by the system operator. (See Burkhart, para. [0030], emphasis added.) Therefore, all content submitted by the content submitters are in the same protocol. In contrast, the Applicants' claims recited that each respective list is in a different protocol.

(3) Burkhart does not teach the claimed step of "translating at the VOD gateway". Burkhart clearly fails to teach this limitation because Burkhart does not require translation. In contrast, Burkhart teaches that all content submitted by content submitters are in the same protocol by using templates specified by the system operator. (See Burkhart, para. [0030], emphasis added.)

As such, Applicants submit that independent claim 1 is not anticipated by Burkhart and is patentable under 35 U.S.C. §102. Since independent claims 11, 18, 31 and 37 recite similar relevant limitations, for at least the same reasons as set forth above with respect to independent claim 1, such independent claims also are not anticipated and are patentable under 35 U.S.C. §102. Furthermore, all of the remaining claims depend directly or indirectly from independent claims 1, 11, 18 and 31 and recite additional limitations thereof. As such, Applicants submit that all these dependent

claims also are not anticipated by Burkhart and are patentable under 35 U.S.C. §102. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 38-42

The Examiner has rejected claims 38-42 under 35 U.S.C. §103(a) as being unpatentable over Burkhart in view of Bowman-Amah (US 6,434,568 B1, hereinafter "Bowman-Amah"). Applicants respectfully traverse the rejection.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Burkhart. Since the rejection under 35 U.S.C. 102 given Burkhart has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Bowman-Amah supplies that which is missing from Burkhart to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Thus, claims 38-42 are patentable under 35 U.S.C. §103(a) over Burkhart in view of Bowman-Amah. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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